

APPEAL, STAY

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10451-RWZ**

Schmitt v. Smith et al
Assigned to: Judge Rya W. Zobel
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/02/2004
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Joseph P. Schmitt

represented by **Joseph P. Schmitt**

M-81137
Massachusetts Treatment Center
30 Administration Road
Bridgewater, MA 02324-3230
PRO SE

V.

Defendant

Jeffrey Smith

represented by **C. Raye Poole**

Department of Correction
70 Franklin Street
Suite 600
Boston, MA 02110
617-727-3300
Fax: 617-727-7403
Email: CRPoole@doc.state.ma.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jody T. Adams

Department of Correction
70 Franklin Street
Suite 600
Boston, MA 02110
617-727-3300
Fax: 617-727-7403

Email: jtadams@doc.state.ma.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip W. Silva, IV
Department of Correction
20 Administration Road
Bridgewater, MA 02324
508-279-4542
Fax: 508-279-4541
Email: PWSilva@doc.state.ma.us
ATTORNEY TO BE NOTICED

Defendant

William Grossi

represented by **C. Raye Poole**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jody T. Adams
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip W. Silva, IV
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Peter Allen

represented by **C. Raye Poole**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jody T. Adams
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip W. Silva, IV
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Michael T Maloney

represented by **C. Raye Poole**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jody T. Adams
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

William Faria

represented by **C. Raye Poole**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jody T. Adams
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip W. Silva, IV
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Ernest Therien

represented by **C. Raye Poole**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jody T. Adams
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip W. Silva, IV
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Massachusetts Department of

represented by **C. Raye Poole**

Corrections

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jody T. Adams
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip W. Silva, IV
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/02/2004	•1	MOTION for Leave to Proceed in forma pauperis by Joseph P. Schmitt.(Jenness, Susan) (Entered: 03/05/2004)
03/02/2004	•2	AFFIDAVIT in Support re <u>1</u> MOTION for Leave to Proceed in forma pauperis. (Jenness, Susan) (Entered: 03/05/2004)
03/02/2004	•3	COMPLAINT against all defendants, filed by Joseph P. Schmitt.(Jenness, Susan) (Entered: 03/05/2004)
03/02/2004	•4	APPENDIX/EXHIBIT re <u>3</u> Complaint by Joseph P. Schmitt. (Jenness, Susan) (Entered: 03/05/2004)
03/02/2004	•	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Cohen. (Jenness, Susan) (Entered: 04/22/2004)
03/08/2004	•5	Letter/request (non-motion) from Joseph P. Schmitt. (Johnson, Jay) (Entered: 03/22/2004)
03/26/2004	•6	Judge Rya W. Zobel : ORDER entered granting <u>1</u> Motion for Leave to Proceed in forma pauperis. The Clerk shall return the complaint to the undersigned for screening on the merits pursuant to 28 U.S.C. ? 1915(e) and summonses shall NOT issue pending the completion of screening on the merits. (Lanier, Marjorie) (Entered: 03/26/2004)
03/30/2004	•	Copy of document no. 6 mailed via us mail to plaintiff (Jenness, Susan) (Entered: 03/30/2004)
04/13/2004	•7	MOTION for Court to Order Defendants to Produce a True

		Copy of Civil Action No. SUCV2002-02562(Jenness, Susan) Modified on 4/21/2004 (Johnson, Jay). (Entered: 04/16/2004)
04/15/2004	⑧	Letter/request (non-motion) from Joseph P. Schmidt regarding address. (Johnson, Jay) (Entered: 04/20/2004)
05/03/2004	⑨	Letter/request (non-motion) from Pro Se Intake Clerk reporting status on CA 04-10451-RWZ in response to request by plaintiff. (Jenness, Susan) (Entered: 05/03/2004)
05/03/2004	⑩	Status letter mailed to plaintiff via us mail 5/3/04 (Jenness, Susan) (Entered: 05/03/2004)
10/01/2004	⑪	Judge Rya W. Zobel : ORDER entered. Having completed the screening on the merits of plaintiff's complaint pursuant to Section 1915(e)(2), the Clerk shall issue summonses and the United States Marshal shall serve a copy of the complaint, summons and this order upon defendants as directed by the plaintiff with all costs of service to be advanced by the United States.(Weissman, Linn) (Entered: 10/01/2004)
10/01/2004	⑫	Summons Issued as to Peter Allen, William Faria, William Grossi, Michael T Maloney, Massachusetts Department of Corrections, Jeffrey Smith, and Ernest Therien. (Weissman, Linn) (Entered: 10/01/2004)
10/01/2004	⑬	Judge Rya W. Zobel : ORDER entered denying <u>7</u> Motion for Order for production of certain documents without prejudice. (Weissman, Linn) (Entered: 10/01/2004)
10/01/2004	⑭	Summons Issued as to Peter Allen, William Faria, William Grossi, Michael T Maloney, Massachusetts Department of Corrections, Jeffrey Smith, and Ernest Therien. (Weissman, Linn) (Entered: 10/01/2004)
10/25/2004	⑮	US Marshal Process Receipt and Return for Civi Rights Action. Michael Maloney served Delivered on 10/15/04 (Johnson, Jay) (Entered: 10/26/2004)
10/25/2004	⑯	US Marshal Process Receipt and Return for Civil Rights Action. Mass. Dept of Corrections served Delivered on 10/20/04 (Johnson, Jay) (Entered: 10/26/2004)
10/26/2004	⑰	MOTION for Court Order for Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al by Joseph P. Schmitt.(Johnson, Jay) (Entered: 10/27/2004)

11/09/2004	⑯	MOTION to Compel by Joseph P. Schmitt.(Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	⑯	US Marshal Process Receipt and Return for Civil Rights Action. Peter Allen served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	⑯	US Marshal Process Receipt and Return for Civil Rights Action. William Grossi served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	⑯	US Marshal Process Receipt and Return for Civil Rights Action. Jeffrey Smith served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	⑯	US Marshal Process Receipt and Return for Civil Rights Action. Ernest Therien served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	⑯	US Marshal Process Receipt and Return for Civil Rights Action. William Faria served Delivered on 11/4/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	⑯	MOTION for Extension of Time to 12/20/04 to File Answer re <u>3</u> Complaint by Massachusetts Department of Corrections. (Silva, Philip) (Entered: 11/10/2004)
11/10/2004	⑯	MOTION for Leave to File <i>Exemption from Local Rule 7.1</i> by Massachusetts Department of Corrections.(Silva, Philip) (Entered: 11/10/2004)
11/15/2004	●	Judge Rya W. Zobel : electronic ORDER entered granting <u>21</u> Motion for Extension of Time to Answer Massachusetts Department of Corrections. (Urso, Lisa) (Entered: 11/15/2004)
11/16/2004	●	Judge Rya W. Zobel : endorsed ORDER entered granting exemption from Local Rule 7.1 requirement (Urso, Lisa) (Entered: 11/17/2004)
11/16/2004	⑯	Opposition re <u>21</u> MOTION for Extension of Time to 12/20/04 to File Answer re <u>3</u> Complaint filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 11/17/2004)
12/13/2004	⑯	Letter/request (non-motion) from Joseph P. Schmitt regarding request for ruling on motion to compel. (Johnson, Jay) (Entered: 12/14/2004)
12/16/2004	⑯	ANSWER to Complaint with JURY DEMAND by Peter

		Allen, William Faria, William Grossi, Massachusetts Department of Corrections, Jeffrey Smith, Ernest Therien. (Silva, Philip) (Entered: 12/16/2004)
12/16/2004	②6	Judge Rya W. Zobel : order ORDER entered reserving ruling on <u>14</u> Motion for Order, reserving ruling on <u>15</u> Motion to Compel. Defendants have until 12/29/04 to file any oppositions. (Urso, Lisa) (Entered: 12/17/2004)
12/21/2004	②7	NOTICE of Scheduling Conference Scheduling Conference set for 1/25/2005 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 12/21/2004)
12/23/2004	②8	Opposition re <u>15</u> MOTION to Compel <i>Department of Correction to Provide Address for Defendant Maloney</i> filed by Massachusetts Department of Corrections. (Silva, Philip) (Entered: 12/23/2004)
12/23/2004	②9	Opposition re <u>14</u> MOTION for Order to to Order Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al filed by Massachusetts Department of Corrections. (Attachments: # <u>1</u> Exhibit Ex. A - Docket Sheet)(Silva, Philip) (Entered: 12/23/2004)
12/28/2004	③1	MOTION to Appoint Counsel by Joseph P. Schmitt.(Johnson, Jay) (Entered: 12/29/2004)
12/29/2004	③0	MOTION for Writ of Habeas Corpus ad testificandum by Joseph P. Schmitt.(Johnson, Jay) (Entered: 12/29/2004)
12/30/2004	③2	EMERGENCY REPLY to Response to Motion re <u>14</u> MOTION for Order to to Order Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al filed by Joseph P. Schmitt. (Johnson, Jay) Modified on 1/5/2005 (Johnson, Jay). (Entered: 01/04/2005)
12/30/2004	③3	EMERGENCY REPLY to Response to Motion re <u>15</u> MOTION to Compel filed by Joseph P. Schmitt. (Johnson, Jay) Modified on 1/5/2005 (Johnson, Jay). (Entered: 01/04/2005)
01/05/2005	④	Notice of correction to docket made by Court staff. Correction: #28 Opposition to Motion to Compel corrected because: Opposition addresses the wrong motion, and is a duplicate of #29. Filer shall be required to re-file the document. (Johnson,

		Jay) (Entered: 01/05/2005)
01/05/2005	34	Opposition to Plaintiff's Motion to Compel by Massachusetts Department of Corrections <i>Refiled Opposition</i> (Silva, Philip) Modified on 3/3/2005 (Johnson, Jay). (Entered: 01/05/2005)
01/12/2005	35	Judge Rya W. Zobel : endorsed ORDER entered denying <u>14</u> Motion for Order (Urso, Lisa) (Entered: 01/12/2005)
01/19/2005	36	MOTION for Recusal by Joseph P. Schmitt.(Johnson, Jay) (Entered: 01/21/2005)
01/19/2005	37	MOTION for Reconsideration re <u>14</u> MOTION for Order to to Order Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al, Order on Motion for Order by Joseph P. Schmitt. (Johnson, Jay) (Entered: 01/21/2005)
01/21/2005	38	MOTION for Memorandum of Decision Regarding Denial of Plaintiff's Motion for Order filed on 1/12/05 by Joseph P. Schmitt.(Johnson, Jay) (Entered: 01/25/2005)
01/25/2005	39	electronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Scheduling Conference held on 1/25/2005; defendant to file motion for summary judgment and or to dismiss; 30 days after for opposition; (Urso, Lisa) (Entered: 01/27/2005)
02/01/2005	40	MOTION for Declaratory Judgment by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/03/2005)
02/01/2005	41	MOTION to Withdraw <u>35</u> MOTION for Recusal by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/03/2005)
02/01/2005	42	MEMORANDUM OF LAW by Joseph P. Schmitt to <u>38</u> MOTION for Declaratory Judgment. (Johnson, Jay) (Entered: 02/03/2005)
02/01/2005	43	IAFFIDAVIT of Joseph Peter Schmitt re Scheduling Conference by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/03/2005)
02/04/2005	44	STATE COURT Record. (Johnson, Jay) (Entered: 02/09/2005)
02/07/2005	45	MOTION for Sanctions by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/09/2005)
02/07/2005	46	Opposition re <u>14</u> MOTION for Order to to Order Defendants

		to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al filed by Massachusetts Department of Corrections. (Johnson, Jay) (Entered: 02/09/2005)
02/25/2005	④5	MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> by Jeffrey Smith, William Grossi, Peter Allen, William Faria, Ernest Therien, Massachusetts Department of Corrections.(Silva, Philip) (Entered: 02/25/2005)
02/25/2005	④6	Cross MEMORANDUM in Support re <u>45</u> MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> filed by Jeffrey Smith, William Grossi, Peter Allen, William Faria, Ernest Therien, Massachusetts Department of Corrections. (Attachments: # <u>1</u> Exhibit A - 103 CMR 481 (12/8/00)# <u>2</u> Exhibit B 103 CMR 481 (4/26/02)# <u>3</u> Exhibit C 3/4/04 - letter# <u>4</u> Affidavit Robert Murphy# <u>5</u> Affidavit John Luongo# <u>6</u> Affidavit Certified Administrative Record)(Silva, Philip) (Entered: 02/25/2005)
02/25/2005	④7	Opposition re <u>42</u> MOTION for Sanctions filed by Jeffrey Smith, William Grossi, Peter Allen, William Faria, Ernest Therien, Massachusetts Department of Corrections. (Silva, Philip) (Entered: 02/25/2005)
03/22/2005	④8	Opposition re <u>45</u> MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 03/23/2005)
03/22/2005	④9	Letter/request (non-motion) from Joseph P. Schmitt to Circuit executive regarding response to motions. (Johnson, Jay) (Entered: 03/23/2005)
03/22/2005	⑤0	Letter/request (non-motion) from Joseph P. Schmitt requesting rulings on pending motions. (Johnson, Jay) (Entered: 03/23/2005)
03/30/2005	⑤1	Judge Rya W. Zobel : OrderORDER entered denying <u>30</u> Motion for Writ of Habeas Corpus ad testificandum, granting in part and denying in part <u>31</u> Motion to Appoint Counsel, finding as moot <u>35</u> Motion for Recusal, denying <u>36</u> Motion for Reconsideration, denying <u>37</u> Motion for Order, reserving ruling on <u>38</u> Motion for Declaratory Judgment, granting <u>39</u> Motion to Withdraw, denying <u>42</u> Motion for Sanctions, reserving ruling on <u>45</u> Motion to Dismiss, denying <u>15</u> Motion to Compel (Urso, Lisa) (Entered: 03/31/2005)

04/05/2005	52	EX-PARTE and EMERGENCY MOTION for Authorization of Funds by Joseph P. Schmitt.(Johnson, Jay) (Entered: 04/06/2005)
04/05/2005	53	EMERGENCY MOTION to Stay by Joseph P. Schmitt. (Johnson, Jay) (Entered: 04/06/2005)
04/05/2005	54	Letter/request (non-motion) from Joseph Peter Schmitt requesting copies. (Johnson, Jay) (Entered: 04/06/2005)
04/21/2005	55	Judge Rya W. Zobel : endorsed ORDER entered granting <u>53</u> Motion to Stay. (Urso, Lisa) (Entered: 04/22/2005)
04/21/2005	56	Judge Rya W. Zobel : endorsed ORDER entered denying [52] Motion for Disbursement of Funds. This court has no authority to order the State Treasurer to provide funds for this purpose. (Urso, Lisa) (Entered: 04/22/2005)
04/25/2005	57	Letter/request (non-motion) from Joseph Schmitt requesting copies. (Johnson, Jay) (Entered: 04/27/2005)
04/28/2005	58	Letter/request (non-motion) from Joseph Schmitt requesting copies. (Johnson, Jay) (Entered: 04/29/2005)
06/22/2005	59	Emergency MOTION for Extension of Plaintiff's Emergency Motion for Stay of Action (53) by Joseph P. Schmitt.(Johnson, Jay) (Entered: 06/23/2005)
07/15/2005	60	Judge Rya W. Zobel : endorsed ORDER entered granting <u>57</u> Motion for Extension of Time for stay. The stay is extended to 8/31/05. (Urso, Lisa) (Entered: 07/15/2005)
09/21/2005	61	Letter/request for ruling on defendants motion #45 from Joseph P. Schmitt. (Johnson, Jay) (Entered: 09/22/2005)
12/30/2005	62	NOTICE of Appearance by C. Raye Poole on behalf of all defendants (Poole, C.) (Entered: 12/30/2005)
01/10/2006	63	Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel : Status Conference held on 1/10/2006. Jury or Bency Trial set for 4/3/2006 09:00 AM in Courtroom 12 before Judge Rya W. Zobel. Pretrial Conference set for 3/22/2006 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (to be tried with 04cv10717) (Urso, Lisa) (Entered: 01/10/2006)
01/24/2006	64	Supplement to MOTION for Summary Judgment by Jeffrey Smith, William Grossi, Peter Allen, Michael T Maloney,

		William Faria, Ernest Therien, Massachusetts Department of Corrections. (Attachments: # 1 Exhibit A-C)(Poole, C.) Modified on 1/25/2006 (Johnson, Jay). (Entered: 01/24/2006)
01/24/2006	61	MOTION to Stay <i>All Further Proceedings Until Such Time as the Court has Ruled on Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment and Supplement Thereto</i> by Jeffrey Smith, William Grossi, Peter Allen, Michael T Maloney, William Faria, Ernest Therien, Massachusetts Department of Corrections.(Poole, C.) (Entered: 01/24/2006)
01/25/2006	60	Documents terminated: 60 Supplemental MOTION for Summary Judgment filed by William Grossi,, Peter Allen,, Ernest Therien,, William Faria,, Massachusetts Department of Corrections,, Jeffrey Smith,, Michael T Maloney,. (Johnson, Jay) (Entered: 01/25/2006)
02/01/2006	62	MOTION for Court Order by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/02/2006)
02/01/2006	63	MOTION for Court Order of production of mail monitor records from defendants by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/02/2006)
02/01/2006	64	EMERGENCY MOTION to Stay defendant's pending motions until the court has ruled on plaintiff's outstanding motions... by Joseph P. Schmitt.(Johnson, Jay) Modified on 2/2/2006 (Johnson, Jay). (Entered: 02/02/2006)
02/01/2006	65	Opposition re 61 MOTION to Stay <i>All Further Proceedings Until Such Time as the Court has Ruled on Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment and Supplement Thereto</i> filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/02/2006)
02/01/2006	66	Opposition re 60 Supplemental MOTION for Summary Judgment filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/02/2006)
02/28/2006	62	Judge Rya W. Zobel : endorsed ORDER entered denying 62 Motion for Order, denying 63 Motion for Order, denying 64 Motion to Stay as moot. (Urso, Lisa) (Entered: 03/01/2006)
03/03/2006	67	NOTICE of Appearance by Jody T. Adams on behalf of all defendants (Adams, Jody) (Entered: 03/03/2006)

03/22/2006	•	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Final Pretrial Conference held on 3/22/2006. Jury trial 4/3/06; 1-2 days; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 03/23/2006)
03/31/2006	• 68	Judge Rya W. Zobel : ORDER entered. PROCEDURAL ORDER re pretrial/trial Jury Trial set for 4/3/2006 09:00 AM in Courtroom 12 before Judge Rya W. Zobel.(Urso, Lisa) (Entered: 03/31/2006)
04/03/2006	•	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : ;Jury Trial Day one held on 4/3/2006; 8 jurors selected & sworn; opening by plaintiff then defendant; plaintiff's witness #1 Carter Thomas; direct; cross; redirect; witness #2 Jeffrey Smith; witness #3 Patrick Mulvey; witness #4 Stephen Kennedy; direct; cross; redirect; witness #5 Paul Gordon; witness #6 Peter Allen; plaintiff's rests; defendant's witness #1 Patrick Mulvey; direct; cross; redirect; recross; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 04/03/2006)
04/04/2006	•	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Jury Trial Day 2 held on 4/4/2006; defendant's witness # 2 Jeffrey Smith; cross; redirect; recross; witness #3 Ernest Therien; cross; witness #4 William Faria; cross; witness #5 Peter Allen; direct; defendant's rest' no rebuttal; Jury charge; Jury verdict for the plaintiff in the amount of \$302.00. (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 04/04/2006)
04/04/2006	• 69	Exhibit and witness List. (Urso, Lisa) (Entered: 04/05/2006)
04/04/2006	• 70	JURY VERDICT in favor of plaintiff against defendants. (Urso, Lisa) (Entered: 04/05/2006)
04/05/2006	• 71	Judge Rya W. Zobel : ORDER entered. JUDGMENT in favor of plaintiff against defendants in the amount of \$101.00(Urso, Lisa) (Entered: 04/05/2006)
04/12/2006	• 72	MOTION for court Order by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006	• 73	MOTION for Attorney Fees by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006	• 74	MOTION to recover expenses by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)

04/12/2006	• 75	MOTION for Reconsideration and/or notice of appeal re: directed verdict by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006	• 76	MOTION for Order against defendants by Joseph P. Schmitt. (Urso, Lisa) (Entered: 04/18/2006)
04/12/2006	• 77	MOTION for transcripts by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/13/2006	•	DOCKET SHEET sent to Joseph P Schmitt. (Sonnenberg, Elizabeth) (Entered: 04/13/2006)
04/21/2006	• 78	MOTION for Extension of Time to May 12, 2006 to File Response/Reply as to <u>72</u> MOTION for Order by Jeffrey Smith, Peter Allen.(Poole, C.) (Entered: 04/21/2006)
04/21/2006	• 79	Opposition re <u>73</u> MOTION for Attorney Fees, <u>74</u> MOTION to recover expenses, <u>75</u> MOTION for Reconsideration filed by Jeffrey Smith, Peter Allen. (Attachments: # <u>1</u> Exhibit A and B) (Poole, C.) (Entered: 04/21/2006)
04/21/2006	• 80	Letter/request (non-motion) from Joseph Schmitt requesting names and addresses of all jurors. (Johnson, Jay) (Entered: 04/25/2006)
05/01/2006	• 81	REPLY to Response to Motion re <u>73</u> MOTION for Attorney Fees, <u>74</u> MOTION to recover expenses, <u>75</u> MOTION for Reconsideration filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 05/02/2006)
05/01/2006	•	Judge Rya W. Zobel : endorsed ORDER entered denying <u>73</u> Motion for Attorney Fees, denying <u>74</u> Motion to recover expenses, granting <u>78</u> Motion for Extension of Time to File Response/Reply re <u>72</u> MOTION for Order Responses due by 5/12/2006 (Urso, Lisa) (Entered: 05/02/2006)
05/05/2006	• 82	MOTION for Reconsideration by Joseph P. Schmitt.(Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	• 83	NOTICE OF APPEAL as to Order on Motion for Attorney Fees,, Order on Motion for Miscellaneous Relief,, Order on Motion for Extension of Time to File Response/Reply, by Joseph P. Schmitt. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be

		completed and submitted to the Court of Appeals. Appeal Record due by 5/25/2006. (Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	•	Judge Rya W. Zobel : Electronic ORDER entered denying <u>76</u> Motion for Order. " Denied as premature" (Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	•	Judge Rya W. Zobel : Electronic ORDER entered denying <u>77</u> Motion for transcripts (Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	•	Judge Rya W. Zobel : Electronic ORDER entered denying <u>75</u> Motion for Reconsideration. "Denied as plaintiff agreed to the dismissal of these defendants" (Johnson, Jay) (Entered: 05/05/2006)